

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
AT NASHVILLE

| | | |
|---------------------------|---|--------------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| |) | Case No. 3:10-cr-00260-8 |
| v. |) | William J. Haynes |
| |) | Federal District Judge |
| |) | |
| FADUMO MOHAMED FARAH. |) | |

MOTION IN LIMINE #4

Comes now the accused, Faduma Farah, by and through her counsel, Luke A. Evans, and moves this Honorable Court to issue an order directing the Government as follows:

1. It is anticipated by the accused, that the Government will put forward evidence concerning the Defendant's file from the leasing office at Nashboro Village and/or her MDHA file. More specifically, that the defendant received government assistance via section 8 housing and that management suspected that Defendant was in violation of her lease agreement for multiple reasons to include; people living in the apartment that were not identified on the lease; and/or that Defendant was running a daycare from her apartment. Whether the defendant received public assistance or was in violation of her lease agreement is not relevant in the case at bar. Further, the witnesses assumptions as to what, if anything, was going on in the defendant's home is not relevant.

2. Based on the foregoing, the accused moves this Honorable Court to issue an Order directing the Government to refrain from referencing in any manner,

in the presence of jury, any of the proof related to whether the Defendant received public assistance, the contents of the Defendant's file from the leasing office at Nashboro Village, her MDHA file, and/or any assumptions and/or opinions of persons regarding the Defendant's activities inside her home as well as any proof related to the Defendant being evicted and/or in violation of her lease agreement.

3. Any information regarding those allegations would be irrelevant at the trial in this cause pursuant to the *Federal Rules of Evidence, 401, 402*. Moreover, if, said information were allowed to be presented to the jury, it would be unfairly prejudicial to the accused and likely confuse the jury and/or mislead the jury for their consideration of the indicted offense in violation of *Rule 403 of the Federal Rules of Evidence*.

4. Additionally, to introduce such evidence to the jury in this cause would violate Rule 404b of the Federal Rules of Evidence, as it is evidence of "other acts" that is unfairly prejudicial and without sufficient corroboration; therefore, the Government should be required to conduct a jury out hearing, in full compliance with Rule 404b of the Federal Rules of Evidence, prior to either referencing or presenting such evidence to the Jury.

WHEREFORE, PREMISES CONSIDERED, the accused, through counsel, moves this Honorable Court for the relief as stated herein, as well as any further general relief that this Court deems both necessary and proper.

Respectfully submitted,

BULLOCK, FLY, HORNSBY & EVANS

/s/ Luke A. Evans
LUKE A. EVANS, BPR #23620
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Certificate of Service

I hereby certify that on March 9, 2012, I electronically filed the foregoing Motion with the clerk of the court by using the CM/ECF system, which will send a Notice of Electronic Filing to the following: **Van Vincent**, Assistant United States Attorney, 110 Ninth Avenue South, Suite A-961, Nashville, Tennessee 37203; along with the other parties in this case as listed to be noticed in the CM/ECF system.

/s/ Luke A. Evans _____
LUKE A. EVANS